

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: LINDA ANN ROBERTS et al. )  
Serial No.: 09/855,804 ) Group Art Unit: 2461  
Filed: May 16, 2001 ) Examiner: Mattis  
For: PRIORITY CALLER ALERT )

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

APPEAL BRIEF

REAL PARTY IN INTEREST

The real party in interest is AT&T Intellectual Property I, L.P., an entity owning certain assets of BellSouth Intellectual Property Corporation, the assignee of record.

RELATED APPEALS AND INTERFERENCES

There are no pending appeals or interferences related to this appeal.

STATUS OF CLAIMS

Claims 4, 22 and 28 have been canceled.

Claims 1-3, 5-8, 11-18, 21, 23-25 and 29 have been finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Dolan in view of Leung and Hoopes.

Claims 9-10, 19-20 and 26-27 have been finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Dolan in view of Leung and Hoopes and Taylor.

The rejections of claims 1-3, 5- 21, 23-27 and 29 are herein appealed.

## STATUS OF AMENDMENTS

There have been no amendments filed after the final rejection mailed October 18, 2010.

## SUMMARY OF CLAIMED SUBJECT MATTER

A concise explanation of the subject matter defined in each of the independent claims involved in the appeal is provided below, with citations to figures and paragraph numbers in the corresponding U.S. Patent Application Publication 20040233892.

Independent claim 1 recites a system for routing an incoming call from a calling party for a telephone line of a subscriber comprising: a service switching point (Figure 5, element 316; paragraph [0044]) associated with the telephone line (Figure 5, element 314; paragraph [0044]); and a service control point (Figure 5, element 370; paragraph [0047]) in communication with the service switching point, wherein when the service switching point detects the incoming call (Figure 6, element 606; paragraph [0071]), the service switching point launches a query comprising a subscriber number to the service control point (Figure 6, element 408; paragraph [0072]), wherein when the service control point receives the query and refers to a database storing a subscriber's number, priority caller information, and at least one instruction from the subscriber to determine whether the calling party is a priority caller (Figure 6 element 614; paragraph [0076]), the service control point determining a priority caller in response to a priority code submitted by the priority caller, the priority code being a subscriber generated code provided to a plurality of priority callers (Figure 6, element 602; paragraph [0067]); wherein the service control point returns a default response to the service switching point if the calling party is not a priority caller (Figure 6, element 616; paragraph [0078]), and wherein the service control point returns a priority response to the service switching point if the calling party is a priority caller (Figure 6, element 620; paragraph [0079]), the priority response comprising an action to ring a telephone associated with the telephone line with an alert signal that is different from a regular ringing tone (Figure 6, element 620; paragraph [0079]), forwarding the incoming call to another telephone associated with a second telephone line of the subscriber (Figure 1, element 122; paragraph [0040]), forwarding the incoming call to a wireless telephone of the subscriber via a wireless

telephone network (Figure 1, element 142; paragraph [0042]), and establishing a communication session with a calling party and a computer associated with the subscriber via a computer network (Figure 6, elements 624 and 626; paragraph [0080]).

Independent claim 11 recites a method for routing an incoming call from a calling party for a telephone line of a subscriber comprising: associating a subscriber number of the subscriber with priority caller information (Figure 6, element 602; paragraph [0067]); storing the subscriber number, the priority caller information, and at least one instruction from the subscriber in a database (Figure 6, element 604; paragraph [0068]); detecting the incoming call (Figure 6, element 606; paragraph [0071]); consulting the database to determine whether the incoming call comprises the priority caller information (Figure 6, element 614; paragraph [0076]), the priority caller information including a priority code submitted by a priority caller, the priority code being a subscriber generated code provided to a plurality of priority callers (paragraph [0067]); and executing a priority action if the incoming call comprises the priority caller information (Figure 6, element 620; paragraph [0079]), wherein the priority action comprises ringing a telephone associated with the telephone line with a priority alert signal that is different from a regular ringing tone (Figure 6, element 620; paragraph [0079]); generating an outgoing call to another telephone associated with a second telephone line of the subscriber (Figure 1, element 122; paragraph [0040]); generating an outgoing call to a wireless telephone of the subscriber via a wireless telephone network (Figure 1, element 142; paragraph [0042]); and establishing a communication session with a computer associated with the subscriber via a computer network (Figure 6, elements 624 and 626; paragraph [0080]).

Independent claim 14 recites a method for routing an incoming call from a calling party for a telephone line of a subscriber comprising: associating a subscriber number of the subscriber with at least one priority caller number, each of the priority caller numbers comprising two or more priority codes for executing a corresponding call processing priority action (Figure 6, element 602; paragraph [0067]); storing the subscriber number, the at least one priority caller number, and at least one instruction from the subscriber in a database (Figure 6, element 604; paragraph [0068]); detecting the incoming call (Figure 6, element 606; paragraph [0071]); consulting the database to determine whether the incoming call comprises the at least one priority caller number (Figure 6, element 614;

paragraph [0076]), the priority caller number including a priority code submitted by the priority caller, the priority code being a subscriber generated code provided to a plurality of priority callers (paragraph [0067]); and executing the priority action if the incoming call comprises the at least one priority caller number (Figure 6, element 620; paragraph [0079]), the priority action comprising an action to ring a telephone associated with the telephone line with an alert signal that is different from a regular ringing tone (Figure 6, element 620; paragraph [0079]), forwarding the incoming call to another telephone associated with a second telephone line of the subscriber (Figure 1, element 122; paragraph [0040]), forwarding the incoming call to a wireless telephone of the subscriber via a wireless telephone network (Figure 1, element 142; paragraph [0042]), and establishing a communication session with a calling party and a computer associated with the subscriber via a computer network (Figure 6, elements 624 and 626; paragraph [0080]).

Independent claim 21 recites a method for routing an incoming call from a calling party to a telephone line of a subscriber comprising: associating a subscriber number of the subscriber with at least one priority code (Figure 6, element 602; paragraph [0067]); storing the subscriber number, the at least one priority code, and at least one instruction from the subscriber in a database (Figure 6, element 604; paragraph [0068]); soliciting the calling party for a priority code when the incoming call is received (Figure 6, element 610; paragraph [0073]), the priority code comprising an instruction for executing a priority action for further processing the incoming call (paragraph [0067]); receiving the priority code from the calling party (Figure 6, element 612; paragraph [0074]); consulting the database to determine whether the priority code matches any of the at least one priority codes (Figure 6, element 614; paragraph [0076]), the priority code being a subscriber generated code provided to a plurality of priority callers (paragraph [0067]); and executing the priority action if the priority code matches one of the at least one priority codes (Figure 6, element 622; paragraph [0079]), the priority action comprising an action to alert the terminating equipment associated with the telephone line with a priority alert signal that is different from a regular ringing tone (Figure 6, element 622; paragraph [0079]), the terminating equipment comprising a telephone and a computer (Figure 6, elements 624 and 626; paragraph [0080]).

Independent claim 29 recites a method comprising: associating a subscriber number of the subscriber with priority caller information (Figure 6, element 602; paragraph [0067]), the priority caller information comprising a priority caller number and a priority caller code, the priority code comprising an instruction for executing a priority action for processing an incoming communication (paragraph [0067]); storing the subscriber number, the priority caller information, and at least one instruction from the subscriber in a database (Figure 6, element 604; paragraph [0068]); detecting the incoming communication to a telephone line of a subscriber, the telephone line comprising the subscriber number (Figure 6, element 606; paragraph [0071]); consulting the database to determine whether the incoming communication comprises the priority caller information (Figure 6, element 614; paragraph [0076]), the priority caller information including a priority code submitted by a priority caller, the priority code being a subscriber generated code provided to a plurality of priority callers (paragraph [0067]); executing the priority action if the incoming communication comprises the priority caller information (Figure 6, element 620; paragraph [0079]), the priority action comprising an action to generate an outgoing call to another telephone associated with another telephone line (Figure 1, element 122; paragraph [0040]), an action to generate an outgoing call to a wireless telephone associated with the subscriber (Figure 1, element 142; paragraph [0042]), and an action to establish a communication session among the incoming communication and a computer associated with the subscriber (Figure 6, elements 624 and 626; paragraph [0080]); prompting a calling party of the incoming communication to input calling party priority information, the calling party priority information comprising a calling party instruction for executing the priority action (Figure 6, element 610; paragraph [0073]); receiving the calling party priority information (Figure 6, element 612; paragraph [0074]); and executing the priority action according to the calling party information (Figure 6, element 622; paragraph [0079]), the priority action comprises an action to alert the terminating equipment associated with the telephone line with a priority alert signal that is different from a regular ringing tone (Figure 6, element 622; paragraph [0079]), the terminating equipment comprising a telephone and the computer (Figure 6, elements 624 and 626; paragraph [0080]).

The above exemplary embodiments are discussed with respect to the aforementioned independent claims by way of example only and are not intended to in any way limit the scope of these claims.

#### GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-3, 5-8, 11-18, 21, 23-25 and 29 have been finally rejected under 35 U.S.C. § 103 as being unpatentable over Dolan in view of Leung and Hoopes.

Claims 9-10, 19-20 and 26-27 have been finally rejected under 35 U.S.C. § 103 as being unpatentable over Dolan in view of Leung and Hoopes and Taylor.

#### ARGUMENT

##### **I. Rejection of claims 1-3 and 5-8**

Claims 1-3 and 5-8 were rejected under 35 U.S.C. § 103 as being unpatentable over Dolan in view of Leung and Hoopes. This rejection is traversed for the following reasons.

Embodiments of the invention relate to alerting a called subscriber that a priority caller is calling. As recited in claim 1, a service control point determines a priority caller in response to a priority code submitted by the priority caller, the priority code being a subscriber generated code provided to a plurality of priority callers. If a caller is identified as a priority caller, then a priority response is used which includes an action to ring a telephone associated with the telephone line with an alert signal that is different from a regular ringing tone.

In particular, claim 1 recites "a priority response comprising an action to ring a telephone associated with the telephone line with an alert signal that is different from a regular ringing tone." In applying Dolan, the Office Action acknowledges that Dolan fails to disclose this feature and relies on Hoopes for disclosing a priority alert ring. Appellant submits that it would not have been obvious to include ringing a telephone with a priority alert signal in the system of Dolan.

Figure 11 of Dolan describes how a subscriber handles a call based on caller priorities (column 5, lines 55-67). As shown in Figure 11, the incoming call is answered only if the caller's priority is sufficient (see Figure 11, step 82 "answering a call by the server only if the caller's priority level matches the subscriber's availability level."). If the caller's priority is sufficient, the called party subscriber is alerted to the call and makes a decision about how to handle the call. In receiving an incoming call in Dolan, the system determines if the caller has sufficient priority prior to notifying the subscriber. Thus, there is no need for a "priority alert ring" in Dolan as all calls connected to the subscriber have already been screened to determine if the caller has sufficient priority. A priority alert ring is not needed in Dolan as the priority decision has already been made before the call is routed to the subscriber. A priority alert ring would be redundant and unnecessary in Dolan as callers lacking the requisite priority are not connected to the subscriber. Therefore, there is no reason to use a priority alert ring in Dolan. Accordingly, there is no predictable way to combine Dolan and Hoopes.

Furthermore, Dolan discloses that if a caller's priority level exceeds the subscriber's monitor-availability level, then permitting the subscriber to monitor a message from the caller audibly over the Internet (Figure 11, step 83). The audible message from the caller is used to aid the subscriber in making a decision for handling the call (column 5, lines 43-51). The Office Action proposes replaces the audible message of Dolan with a priority alert ring of Hoopes. To do this would alter the principle of operation of Dolan. The *PTO Examination Guidelines Update: Developments in the Obviousness Inquiry After KSR v. Teleflex* state that "the 'predictable result' discussed in KSR refers not only to the expectation that prior art elements are capable of being physically combined, but also that the combination would have worked for its intended purpose." Replacing the audible message from the caller in Dolan with a priority alert ring of Hoopes would eliminate the ability of the called party to make a decision about handling an incoming call. This results in Dolan being modified in such a way that the system of Dolan no longer operates for its intended purpose of allowing called parties to effectively screen calls. Accordingly, the proposed modification of Dolan is improper. Leung was relied upon as

disclosing a subscriber provided priority code, but fails to cure the deficiencies of Dolan and Hoopes.

For at least the above reasons, claim 1 is patentable over Dolan in view of Leung and Hoopes. Claims 2, 3 and 5-8 depend from claim 1 and are patentable over Dolan in view of Leung and Hoopes for at least the reasons advanced with reference to claim 1. As such, the rejection of claims 1-3 and 5-8 should be reversed.

## **II. Rejection of claims 11-13**

Claims 11-13 were rejected under 35 U.S.C. § 103 as being unpatentable over Dolan in view of Leung and Hoopes. This rejection is traversed for the following reasons.

Claim 11 recites “executing a priority action if the incoming call comprises the priority caller information, wherein the priority action comprises ringing a telephone associated with the telephone line with a priority alert signal that is different from a regular ringing tone.” In applying Dolan, the Office Action acknowledges that Dolan fails to disclose this feature and relies on Hoopes for disclosing a priority alert ring. Appellant submits that it would not have been obvious to include ringing a telephone with a priority alert signal in the system of Dolan.

Figure 11 of Dolan describes how a subscriber handles a call based on caller priorities (column 5, lines 55-67). As shown in Figure 11, the incoming call is answered only if the caller’s priority is sufficient (see Figure 11, step 82 “answering a call by the server only if the caller’s priority level matches the subscriber’s availability level.”). If the caller’s priority is sufficient, the called party subscriber is alerted to the call and makes a decision about how to handle the call. In receiving an incoming call in Dolan, the system determines if the caller has sufficient priority prior to notifying the subscriber. Thus, there is no need for a “priority alert ring” in Dolan as all calls connected to the subscriber have already been screened to determine if the caller has sufficient priority. A priority alert ring is not needed in Dolan as the priority decision has already been made before the call is routed to the subscriber. A priority alert ring would be redundant and unnecessary in Dolan as callers lacking the requisite priority are not connected to the



subscriber. Therefore, there is no reason to use a priority alert ring in Dolan. Accordingly, there is no predictable way to combine Dolan and Hoopes.

Furthermore, Dolan discloses that if a caller's priority level exceeds the subscriber's monitor-availability level, then permitting the subscriber to monitor a message from the caller audibly over the Internet (Figure 11, step 83). The audible message from the caller is used to aid the subscriber in making a decision for handling the call (column 5, lines 43-51). The Office Action proposes replaces the audible message of Dolan with a priority alert ring of Hoopes. To do this would alter the principle of operation of Dolan. The PTO *Examination Guidelines Update: Developments in the Obviousness Inquiry After KSR v. Teleflex* state that "the 'predictable result' discussed in KSR refers not only to the expectation that prior art elements are capable of being physically combined, but also that the combination would have worked for its intended purpose." Replacing the audible message from the caller in Dolan with a priority alert ring of Hoopes would eliminate the ability of the called party to make a decision about handling an incoming call. This results in Dolan being modified in such a way that the system of Dolan no longer operates for it's intended purpose of allowing called parties to effectively screen calls. Accordingly, the proposed modification of Dolan is improper. Leung was relied upon as disclosing a subscriber provided priority code, but fails to cure the deficiencies of Dolan and Hoopes.

For at least the above reasons, claim 11 is patentable over Dolan in view of Leung and Hoopes. Claims 12 and 13 depend from claim 11 and are patentable over Dolan in view of Leung and Hoopes for at least the reasons advanced with reference to claim 11. As such, the rejection of claims 11-13 should be reversed.

### **III. Rejection of claims 14-18**

Claims 14-18 were rejected under 35 U.S.C. § 103 as being unpatentable over Dolan in view of Leung and Hoopes. This rejection is traversed for the following reasons.

Claim 14 recites "executing the priority action if the incoming call comprises the at least one priority caller number, the priority action comprising an action to ring a

telephone associated with the telephone line with an alert signal that is different from a regular ringing tone.” In applying Dolan, the Office Action acknowledges that Dolan fails to disclose this feature and relies on Hoopes for disclosing a priority alert ring. Appellant submits that it would not have been obvious to include ringing a telephone with a priority alert signal in the system of Dolan.

Figure 11 of Dolan describes how a subscriber handles a call based on caller priorities (column 5, lines 55-67). As shown in Figure 11, the incoming call is answered only if the caller’s priority is sufficient (see Figure 11, step 82 “answering a call by the server only if the caller’s priority level matches the subscriber’s availability level.”). If the caller’s priority is sufficient, the called party subscriber is alerted to the call and makes a decision about how to handle the call. In receiving an incoming call in Dolan, the system determines if the caller has sufficient priority prior to notifying the subscriber. Thus, there is no need for a “priority alert ring” in Dolan as all calls connected to the subscriber have already been screened to determine if the caller has sufficient priority. A priority alert ring is not needed in Dolan as the priority decision has already been made before the call is routed to the subscriber. A priority alert ring would be redundant and unnecessary in Dolan as callers lacking the requisite priority are not connected to the subscriber. Therefore, there is no reason to use a priority alert ring in Dolan. Accordingly, there is no predictable way to combine Dolan and Hoopes.

Furthermore, Dolan discloses that if a caller’s priority level exceeds the subscriber’s monitor-availability level, then permitting the subscriber to monitor a message from the caller audibly over the Internet (Figure 11, step 83). The audible message from the caller is used to aid the subscriber in making a decision for handling the call (column 5, lines 43-51). The Office Action proposes replaces the audible message of Dolan with a priority alert ring of Hoopes. To do this would alter the principle of operation of Dolan. The *PTO Examination Guidelines Update: Developments in the Obviousness Inquiry After KSR v. Teleflex* state that “the ‘predictable result’ discussed in KSR refers not only to the expectation that prior art elements are capable of being physically combined, but also that the combination would have worked for its intended purpose.” Replacing the audible message from the caller in Dolan with a priority alert ring of Hoopes would eliminate the

ability of the called party to make a decision about handling an incoming call. This results in Dolan being modified in such a way that the system of Dolan no longer operates for its intended purpose of allowing called parties to effectively screen calls. Accordingly, the proposed modification of Dolan is improper. Leung was relied upon as disclosing a subscriber provided priority code, but fails to cure the deficiencies of Dolan and Hoopes.

For at least the above reasons, claim 14 is patentable over Dolan in view of Leung and Hoopes. Claims 15-18 depend from claim 14 and are patentable over Dolan in view of Leung and Hoopes for at least the reasons advanced with reference to claim 14. As such, the rejection of claims 14-18 should be reversed.

#### **IV. Rejection of claims 21 and 23-25**

Claims 21 and 23-25 were rejected under 35 U.S.C. § 103 as being unpatentable over Dolan in view of Leung and Hoopes. This rejection is traversed for the following reasons.

Claim 21 recites “executing the priority action if the priority code matches one of the at least one priority codes, the priority action comprising an action to alert the terminating equipment associated with the telephone line with a priority alert signal that is different from a regular ringing tone, the terminating equipment comprising a telephone and a computer.” In applying Dolan, the Office Action acknowledges that Dolan fails to disclose this feature and relies on Hoopes for disclosing a priority alert ring. Appellant submits that it would not have been obvious to include ringing a telephone with a priority alert signal in the system of Dolan.

Figure 11 of Dolan describes how a subscriber handles a call based on caller priorities (column 5, lines 55-67). As shown in Figure 11, the incoming call is answered only if the caller’s priority is sufficient (see Figure 11, step 82 “answering a call by the server only if the caller’s priority level matches the subscriber’s availability level.”). If the caller’s priority is sufficient, the called party subscriber is alerted to the call and makes a decision about how to handle the call. In receiving an incoming call in Dolan, the system determines if the caller has sufficient priority prior to notifying the subscriber. Thus, there is no need for a “priority alert ring” in Dolan as all calls connected to the

subscriber have already been screened to determine if the caller has sufficient priority. A priority alert ring is not needed in Dolan as the priority decision has already been made before the call is routed to the subscriber. A priority alert ring would be redundant and unnecessary in Dolan as callers lacking the requisite priority are not connected to the subscriber. Therefore, there is no reason to use a priority alert ring in Dolan. Accordingly, there is no predictable way to combine Dolan and Hoopes.

Furthermore, Dolan discloses that if a caller's priority level exceeds the subscriber's monitor-availability level, then permitting the subscriber to monitor a message from the caller audibly over the Internet (Figure 11, step 83). The audible message from the caller is used to aid the subscriber in making a decision for handling the call (column 5, lines 43-51). The Office Action proposes replaces the audible message of Dolan with a priority alert ring of Hoopes. To do this would alter the principle of operation of Dolan. The *PTO Examination Guidelines Update: Developments in the Obviousness Inquiry After KSR v. Teleflex* state that "the 'predictable result' discussed in KSR refers not only to the expectation that prior art elements are capable of being physically combined, but also that the combination would have worked for its intended purpose." Replacing the audible message from the caller in Dolan with a priority alert ring of Hoopes would eliminate the ability of the called party to make a decision about handling an incoming call. This results in Dolan being modified in such a way that the system of Dolan no longer operates for its intended purpose of allowing called parties to effectively screen calls. Accordingly, the proposed modification of Dolan is improper. Leung was relied upon as disclosing a subscriber provided priority code, but fails to cure the deficiencies of Dolan and Hoopes.

For at least the above reasons, claim 21 is patentable over Dolan in view of Leung and Hoopes. Claims 23-25 depend from claim 21 and are patentable over Dolan in view of Leung and Hoopes for at least the reasons advanced with reference to claim 21. As such, the rejection of claims 21 and 23-25 should be reversed.

## **V. Rejection of claim 29**

Claim 29 was rejected under 35 U.S.C. § 103 as being unpatentable over Dolan in view of Leung and Hoopes. This rejection is traversed for the following reasons.

Claim 29 recites “executing the priority action according to the calling party information, the priority action comprises an action to alert the terminating equipment associated with the telephone line with a priority alert signal that is different from a regular ringing tone, the terminating equipment comprising a telephone and the computer.” In applying Dolan, the Office Action acknowledges that Dolan fails to disclose this feature and relies on Hoopes for disclosing a priority alert ring. Appellant submits that it would not have been obvious to include ringing a telephone with a priority alert signal in the system of Dolan.

Figure 11 of Dolan describes how a subscriber handles a call based on caller priorities (column 5, lines 55-67). As shown in Figure 11, the incoming call is answered only if the caller’s priority is sufficient (see Figure 11, step 82 “answering a call by the server only if the caller’s priority level matches the subscriber’s availability level.”). If the caller’s priority is sufficient, the called party subscriber is alerted to the call and makes a decision about how to handle the call. In receiving an incoming call in Dolan, the system determines if the caller has sufficient priority prior to notifying the subscriber. Thus, there is no need for a “priority alert ring” in Dolan as all calls connected to the subscriber have already been screened to determine if the caller has sufficient priority. A priority alert ring is not needed in Dolan as the priority decision has already been made before the call is routed to the subscriber. A priority alert ring would be redundant and unnecessary in Dolan as callers lacking the requisite priority are not connected to the subscriber. Therefore, there is no reason to use a priority alert ring in Dolan. Accordingly, there is no predictable way to combine Dolan and Hoopes.

Furthermore, Dolan discloses that if a caller’s priority level exceeds the subscriber’s monitor-availability level, then permitting the subscriber to monitor a message from the caller audibly over the Internet (Figure 11, step 83). The audible message from the caller is used to aid the subscriber in making a decision for handling the call (column 5, lines 43-51). The Office Action proposes replaces the audible message of Dolan with a priority alert ring of Hoopes. To do this would alter the

principle of operation of Dolan. The PTO *Examination Guidelines Update: Developments in the Obviousness Inquiry After KSR v. Teleflex* state that “the ‘predictable result’ discussed in KSR refers not only to the expectation that prior art elements are capable of being physically combined, but also that the combination would have worked for its intended purpose.” Replacing the audible message from the caller in Dolan with a priority alert ring of Hoopes would eliminate the ability of the called party to make a decision about handling an incoming call. This results in Dolan being modified in such a way that the system of Dolan no longer operates for its intended purpose of allowing called parties to effectively screen calls. Accordingly, the proposed modification of Dolan is improper. Leung was relied upon as disclosing a subscriber provided priority code, but fails to cure the deficiencies of Dolan and Hoopes.

For at least the above reasons, claim 29 is patentable over Dolan in view of Leung and Hoopes. As such, the rejection of claim 29 should be reversed.

## **VI. Rejection of claims 9-10, 19-20 and 26-27**

Claims 9-10, 19-20 and 26-27 were rejected under 35 U.S.C. § 103 as being unpatentable over Dolan in view of Leung and Hoopes and Taylor. This rejection is traversed for the following reasons.

Taylor was relied upon for allegedly disclosing TCP/IP and VoIP telephony, but fails to cure the deficiencies of Dolan in view of Leung and Hoopes discussed above with reference to claims 1, 14 and 21. Taylor does not disclose the use of an alert signal for priority calls or a priority code being a subscriber generated code provided to a plurality of priority callers. Claims 9-10 depend from claim 1, claims 19-20 depend from claim 14 and claims 26-27 depend from claim 21 and are patentable over Dolan in view of Leung and Hoopes and Taylor for at least the reasons advanced with reference to claims 1, 14 and 21. As such, the rejection of claims 9-10, 19-20 and 26-27 should be reversed.

## **VII. Conclusion**

In view of the foregoing, it is respectfully requested that the appealed rejections be reversed.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Appellant's attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

By: /David A. Fox/  
David A. Fox  
Registration No. 38,807  
CANTOR COLBURN LLP  
20 Church Street  
22nd Floor  
Hartford, CT 06103-3207  
Telephone (860) 286-2929  
Facsimile (860) 286-0115  
Customer No. 36192

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## CLAIM APPENDIX

1. A system for routing an incoming call from a calling party for a telephone line of a subscriber comprising:

a service switching point associated with the telephone line; and

a service control point in communication with the service switching point,

wherein when the service switching point detects the incoming call, the service switching point launches a query comprising a subscriber number to the service control point,

wherein when the service control point receives the query and refers to a database storing a subscriber's number, priority caller information, and at least one instruction from the subscriber to determine whether the calling party is a priority caller, the service control point determining a priority caller in response to a priority code submitted by the priority caller, the priority code being a subscriber generated code provided to a plurality of priority callers;

wherein the service control point returns a default response to the service switching point if the calling party is not a priority caller, and

wherein the service control point returns a priority response to the service switching point if the calling party is a priority caller, the priority response comprising an action to ring a telephone associated with the telephone line with an alert signal that is different from a regular ringing tone, forwarding the incoming call to another telephone associated with a second telephone line of the subscriber, forwarding the incoming call to a wireless telephone of the subscriber via a wireless telephone network, and establishing a communication session with a calling party and a computer associated with the



subscriber via a computer network.

2. The system of claim 1, wherein the query further comprises priority caller information.

3. The system of claim 2, wherein the priority caller information is a telephone number associated with a second telephone line that is used by the calling party to initiate the incoming call.

5. The system of claim 1, wherein the default response comprises an instruction for the service switching point to terminate the call using a regular ringing tone and the priority response comprises an instruction for the service switching point to terminate the call using a priority alert signal.

6. The system of claim 1, wherein the priority response comprises an instruction for the service switching point to initiate an outgoing call to another telephone associated with the subscriber.

7. The system of claim 6, wherein the another telephone is a wireless telephone.

8. The system of claim 1, wherein the service control point establishes a communication session with a computer associated with the subscriber via a computer network.

9. The system of claim 8, wherein the communication session uses TCP/IP.

10. The system of claim 8, wherein the communication session is a voice-over-Internet protocol session.

11. A method for routing an incoming call from a calling party for a telephone line of a subscriber comprising:

associating a subscriber number of the subscriber with priority caller information;

storing the subscriber number, the priority caller information, and at least one instruction from the subscriber in a database;

detecting the incoming call;

consulting the database to determine whether the incoming call comprises the priority caller information, the priority caller information including a priority code submitted by a priority caller, the priority code being a subscriber generated code provided to a plurality of priority callers; and

executing a priority action if the incoming call comprises the priority caller information,

wherein the priority action comprises ringing a telephone associated with the telephone line with a priority alert signal that is different from a regular ringing tone; generating an outgoing call to another telephone associated with a second telephone line of the subscriber; generating an outgoing call to a wireless telephone of the subscriber via a wireless telephone network; and establishing a communication session with a computer associated with the subscriber via a computer network.

12. The method of claim 11, wherein the priority caller information is a telephone number associated with a second telephone line that is used to initiate the incoming call.

13. The method of claim 11, further comprising the step of:

prompting the calling party to input calling party priority information, the calling party priority information comprising an instruction for executing the priority action;

receiving the calling party priority information; and

executing the priority action according to the calling party information, wherein the priority action comprises ringing the telephone with a calling party specified priority alert signal that is different from a regular ringing tone, generating the outgoing call to another telephone associated with the second telephone line of the subscriber, generating the outgoing call to the wireless telephone of the subscriber via a wireless telephone network, and establishing the communication session with the computer associated with the subscriber and the calling party via the computer network.

14. A method for routing an incoming call from a calling party for a telephone line of a subscriber comprising:

associating a subscriber number of the subscriber with at least one priority caller number, each of the priority caller numbers comprising two or more priority codes for executing a corresponding call processing priority action;

storing the subscriber number, the at least one priority caller number, and at least one instruction from the subscriber in a database;

detecting the incoming call;

consulting the database to determine whether the incoming call comprises the at least one priority caller number, the priority caller number including a priority code submitted by the priority caller, the priority code being a subscriber generated code provided to a plurality of priority callers; and

executing the priority action if the incoming call comprises the at least one priority caller number, the priority action comprising an action to ring a telephone associated with the telephone line with an alert signal that is different from a regular ringing tone, forwarding the incoming call to another telephone associated with a second telephone line of the subscriber, forwarding the incoming call to a wireless telephone of the subscriber via a wireless telephone network, and establishing a communication session with a calling party and a computer associated with the subscriber via a computer network.

15. The method of claim 14, wherein the priority action comprises playing a priority alert signal to alert the subscriber to the incoming call.

16. The method of claim 14, wherein the priority action comprises generating at least one outgoing call to one or more telephones associated with the subscriber.

17. The method of claim 14, wherein the priority action comprises generating an outgoing call to a wireless telephone associated with the subscriber via a wireless telephone network.

18. The method of claim 14, wherein the priority action comprises establishing a communication session with a computer associated with the subscriber via a computer

network.

19. The method of claim 18, wherein the communication session uses TCP/IP.

20. The method of claim 18, wherein the communication session uses voice-over-Internet protocol.

21. A method for routing an incoming call from a calling party to a telephone line of a subscriber comprising:

- associating a subscriber number of the subscriber with at least one priority code;

- storing the subscriber number, the at least one priority code, and at least one instruction from the subscriber in a database;

- soliciting the calling party for a priority code when the incoming call is received, the priority code comprising an instruction for executing a priority action for further processing the incoming call;

- receiving the priority code from the calling party;

- consulting the database to determine whether the priority code matches any of the at least one priority codes, the priority code being a subscriber generated code provided to a plurality of priority callers; and

- executing the priority action if the priority code matches one of the at least one priority codes, the priority action comprising an action to alert the terminating equipment associated with the telephone line with a priority alert signal that is different from a regular ringing tone, the terminating equipment comprising a telephone and a computer.

23. The method of claim 21, the priority action further comprising an action to generate an outgoing call to other terminating equipment associated with a second telephone line of the subscriber.

24. The method of claim 21, the priority action an action to route the incoming call to a wireless telephone of the subscriber via a wireless telephone network,

25. The method of claim 21, the priority action comprising an action to establish a communication session between the calling party and a computer associated with the subscriber via a computer network.

26. The method of claim 25, wherein the communication session uses TCP/IP.

27. The method of claim 25, wherein the communication session uses voice-over-Internet protocol.

29. A method comprising:

associating a subscriber number of the subscriber with priority caller information, the priority caller information comprising a priority caller number and a priority caller code, the priority code comprising an instruction for executing a priority action for processing an incoming communication;

storing the subscriber number, the priority caller information, and at least one instruction from the subscriber in a database;

detecting the incoming communication to a telephone line of a subscriber, the telephone line comprising the subscriber number;

consulting the database to determine whether the incoming communication comprises the priority caller information, the priority caller information including a priority code submitted by a priority caller, the priority code being a subscriber generated code provided to a plurality of priority callers;

executing the priority action if the incoming communication comprises the priority caller information, the priority action comprising an action to generate an outgoing call to another telephone associated with another telephone line, an action to generate an outgoing call to a wireless telephone associated with the subscriber, and an action to establish a communication session among the incoming communication and a computer associated with the subscriber;

prompting a calling party of the incoming communication to input calling party priority information, the calling party priority information comprising a calling party instruction for executing the priority action;

receiving the calling party priority information; and

executing the priority action according to the calling party information, the priority action comprises an action to alert the terminating equipment associated with the telephone line with a priority alert signal that is different from a regular ringing tone, the terminating equipment comprising a telephone and the computer.

## EVIDENCE APPENDIX

Not Applicable



RELATED PROCEEDINGS APPENDIX

Not Applicable